



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
Attorney General

DIVISION OF SOCIAL JUSTICE
Environmental Protection Bureau

April 22, 2024

BY CM/ECF

The Honorable Lewis J. Liman
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *New Yorkers Against Congestion Pricing Tax v. U.S. Department of Transportation,*
No. 1:24-cv-00367-LJL

Dear Judge Liman:

Our office represents defendant New York State Department of Transportation (“Department”) in the above-referenced matter. We write to notify the Court that the Department’s Eleventh Amendment motion to dismiss in this matter [ECF No. 59] is unopposed and ready for decision.

Pursuant to the Court-ordered schedule, on April 5, 2024, the plaintiffs in this action filed a memorandum of law in opposition to the defendants’ various motions to dismiss [ECF No. 74]. Although that brief links to the Department’s motion in the ECF system, the brief itself contains no argument against or other reference to the Department’s motion. Accordingly, the Department will not be filing a reply brief.

Given the complexity of the briefing schedule for the motions before the Court in this matter and the related *Chan* and *Mulgrew* matters, the Department hopes that this notification regarding the status of this motion is helpful to the Court. Thank you for the Court’s consideration of the motion.

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Respectfully submitted,



Andrew G. Frank
Assistant Attorney General

c (by CM/ECF):
All counsel of record